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Private Bills: Procedure in the House

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A private bill is one that provides benefits to specified individuals (including corporate bodies). Individuals sometimes request relief through private law when administrative or legal remedies are exhausted, but Congress seems more often to view private legislation as appropriate when no other remedy is available, and when enactment would, in a broad sense, afford equity. From 1817 through 1971, most Congresses enacted hundreds of private laws, but since then the number has declined to below 30, as Congress has expanded administrative discretion to deal with many of the situations that tended to give rise to private bills. Private provisions also are occasionally included in public legislation. For more information on legislative process, see <http://www.crs.gov/products/guides/guidehome.shtml>.

Subjects of Private Bills

No House rule defines what bills qualify as private, but most private bills have official titles stating them to be “for the benefit of” named individuals. House Rule XII, clause 4, prohibits private bills for granting pensions, building bridges, correcting military or naval records, or settling claims eligible for action under the Tort Claims Act (Title 28 U.S. Code). Subjects of contemporary private bills (and House committees receiving referral of those bills) include:

- Immigration (e.g., residency status, visa classification): Judiciary.
- Domestic claims against the government: Judiciary.
- Foreign claims against the government: International Relations.
- Patents and copyrights: Judiciary.
- Vessel documentation: Transportation and Infrastructure.
- Taxation (e.g., income tax liability, tariff exemptions): Ways and Means.
- Public lands (e.g., sales, claims, exchanges, mineral leases): Resources.
- Veterans’ benefits: Veterans’ Affairs.
- Civil Service status: Government Reform.
- Medical (e.g., drug approvals, HMO enrollment requirements): Energy and Commerce.
- Armed services decorations: Armed Services.

Introduction of Private Bills

Private bills are introduced and referred in the same way as other measures. They are commonly introduced by the Member who represents the individual to be benefitted. Seldom are companion bills introduced in both chambers. Although House Rule XII (clauses 3 and 7) permits no cosponsors on private bills, cosponsors have occasionally appeared on private bills that attract broad interest.

Committee Consideration

Immigration and claims matters have long remained the most common subjects of private bills. The Committee on the Judiciary refers these to its Subcommittee on Immigration, Border Security, and Claims, which handles them routinely under established rules. It generally takes no action on a private bill unless its sponsor submits specified documentation and requests a hearing. The sponsor is generally the only witness at this hearing. The Subcommittee makes available to Member offices information on what documentation it requires, and the kinds of bills on which it is likely to take favorable action. It usually declines to report a bill if its records show few

precedents for favorable House action in similar cases. Panels that handle other kinds of private legislation have no similarly institutionalized procedures.

Floor Consideration

House Rule XV, clause 5, establishes special procedures for the consideration of private bills. When reported, private bills go on a special calendar, the Private Calendar (House Rule XIII, clause 1). Consideration of bills on this Calendar is in order on the first and, at the discretion of the Speaker, third Tuesday of each month, though the House often dispenses with the call by unanimous consent. Each bill is called up automatically, in the order in which it was reported and placed on the Calendar. The bills are considered “in the House as in Committee of the Whole,” meaning that there is no period of general debate, but debate and amendment may occur under the five-minute rule. Usually, little debate occurs and measures are disposed of by voice vote.

During the call of the Private Calendar, if two Members object to the consideration of any bill, it is automatically recommitted. Each party appoints official objectors, who are responsible for examining bills on the Private Calendar and objecting to those they deem inappropriate. Sometimes, a member of a subcommittee dealing with immigration or claims has served simultaneously as an official objector. In practice, instead of objecting, objectors will often ask that a bill be passed “over, without prejudice,” which gives sponsors an opportunity to discuss concerns with them informally before the next calendar call.

If a private bill is recommitted, the committee may re-report it as a paragraph of an omnibus private bill, which has priority for consideration on third Tuesdays. At this stage, the substance of each original private bill may be defeated by majority vote, by means of a motion to strike the paragraph out of the omnibus bill. Otherwise, each paragraph may be amended only by reducing amounts of money or providing limitations. After an omnibus private bill is passed, it is broken up again into separate bills for further action. In current practice, committees seldom re-report private measures once recommitted.

Further Proceedings

Further proceedings on private bills follow the general lawmaking process. Presidents have sometimes vetoed private bills, often by pocket veto; otherwise, Congress may override the veto in the same way as for public measures. Either house of Congress may also, by resolution, refer a private claims bill to the Court of Claims for a recommendation from a trial commissioner. These recommendations are requested occasionally, but often followed when requested.

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